

Abrams Environmental Law Clinic  
University of Chicago Law School  
6020 S. University Ave.  
Chicago, IL 60637  
July 29, 2016

Freedom of Information Officer  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3507

Subject: Freedom of Information Act Request – U.S. Smelter and Lead Refinery, Inc. Superfund Site

To Whom it May Concern:

This letter requests records pursuant to the Freedom of Information Act, 5 U.S.C. §552, and applicable Environmental Protection Agency (Agency) Regulations, 40 C.F.R. §2.100, et. seq. The records relate to soil contamination in the City of East Chicago, Indiana, on the former site of U.S. Smelter and Lead Refinery, Inc.

#### RECORDS SOUGHT

Please produce all records regarding site evaluation and/or soil testing for lead, arsenic, or other soil contamination at properties covered by Operable Unit 1, CERCLIS ID# IND047030226, at the USS Lead Site located in the City of East Chicago, Indiana, since the release of the Record of Decision in November, 2012, up to the date of this request.

This includes, but is not limited to:

- Records related to the criteria used to evaluate where and how to undertake soil testing at the site;
- If soil testing occurred, records related to the test results, including any analysis thereof;
- Records detailing any current, former, or future remedial design and action plans for sites;
- Records of communication between the U.S. Environmental Protection Agency and other relevant parties, including, but not limited to, the Indiana Department of Environmental Management, the City of East Chicago, and residents of the East Chicago Housing Authority public housing in OU1; and

- Records of any other inspections, assessments, corrective actions, environmental permits, environmental zoning restrictions, and communications about the site.

## REQUEST FOR FEE WAIVER

A full fee waiver is requested under 5 U.S.C. §552(a)(4)(A)(iii) (Granting a fee waiver where “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester”).

The requested records concern “the operations or activities of the government.” 40 C.F.R. 2.107(l)(2)(i). The Agency has responsibility to take action in conjunction with counterpart state agencies under a broad range of statutes, including CERCLA. 42 U.S.C. § 9601 et seq. The records requested describe the activities of the Agency and its interaction with counterpart state agencies. In addition, under CERCLA 42 U.S.C. § 117, the US EPA has taken direct responsibility for the cleanup of the area under its November 2010 Record of Decision, available at <https://semspub.epa.gov/work/05/446987.pdf>.

The requested records are “likely to contribute” to public understanding of the activities described above. 40 C.F.R. 2.107(l)(2)(ii). These materials will contribute meaningfully to public understanding of government activities, specifically the Agency’s involvement in soil testing and evaluation of this site.

The disclosure of requested records will also “contribute to the understanding of a reasonably broad audience of persons interested in the subject,” 40 C.F.R. 2.107(l)(2)(iii). The site in question is residentially zone. Residents who live, work, and play near potential contamination would benefit from an understanding of the actions taken by the federal government to alleviate potential risks present in their communities. Such information would be shared as appropriate. This information would inform residents about the results of testing related to potential and actual health risks, providing them with a significant increase in understanding of government operations in their communities. 40 C.F.R. 2.107(l)(2)(iv). Note further that there has been, and there is likely to continue to be, significant news coverage of this site. See, for example, Sarah Reese’s report for the NWI Times available at [http://www.nwitimes.com/news/local/lake/west-calumet-residents-advised-to-relocate-because-of-lead/article\\_7da648e8-7bc9-5dc9-9ce1-999b3a7ce5c7.html](http://www.nwitimes.com/news/local/lake/west-calumet-residents-advised-to-relocate-because-of-lead/article_7da648e8-7bc9-5dc9-9ce1-999b3a7ce5c7.html), Sarah Schulte’s report for ABC News available at <http://abc7chicago.com/news/residents-told-to-relocate-after-high-lead-levels-found-in-dirt/1447508/>, and CBS Local’s reporting by Dorothy Tucker available at <http://chicago.cbslocal.com/2016/07/28/east-chicago-public-housing-complex-has-lead-problem-cpa-warns/>.

The University of Chicago is a not-for-profit, educational organization in good standing with the Secretary of State of Illinois. The records are not requested in furtherance of a commercial interest. 40 C.F.R. 2.107(I)(3)(i).

In the alternative, if a fee waiver is not granted, please provide the Clinic with an estimate of expenses and hold for my acknowledgment before proceeding.

## CONCLUSION

Please mail copies of all requested records by the statutory deadline through email to [tali.ginsburg@gmail.com](mailto:tali.ginsburg@gmail.com) and [templeton@uchicago.edu](mailto:templeton@uchicago.edu), or alternatively through postal mail to:

Natalia Ginsburg  
Mark Templeton  
Abrams Environmental Law Clinic  
The University of Chicago Law School  
1111 East 60th Street  
Chicago, Illinois 60637

We appreciate your efforts in responding to this inquiry. Please do not hesitate to call or email if you have any questions or concerns regarding the requested records.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalia Ginsburg', followed by a horizontal flourish.

Natalia Ginsburg, Student Intern  
Mark Templeton, Executive Director  
Abrams Environmental Law Clinic  
The University of Chicago Law School

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